

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

FILED
Asheville

Oct 30 2020

U.S. District Court
Western District of N.C.

In the Matter of the Search of

BLUE 2013 SUBARU IMPREZA LIMITED,
VIN: JF1GPAH63D221468, WITH NORTH
CAROLINA LICENSE PLATE ME0WBP,
LOCATED AT 24 OAKCREST PLACE,
ASHEVILLE, NORTH CAROLINA 28806

Case No. 1:20-mj-00066

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A to the accompanying Affidavit.

located in the Western District of North Carolina, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B to the accompanying Affidavit.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1201	Kidnapping
18 U.S.C. 2422(a)	Coercion and enticement
18 U.S.C. 2423(a)	Transportation of a minor for sexual activity

The application is based on these facts:

See accompanying Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice days (give exact ending date if more than 30) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Kaley Kowalsky

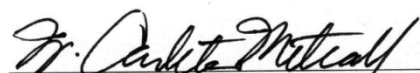
Applicant's signature

Kaley Kowalsky, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P 4.1 by (telephone)

Signed: October 30, 2020



Mr. Charles M. McCall
United States Magistrate Judge



City and state: Asheville, North Carolina

The Hon. W. Carleton Metcalf, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

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IN THE MATTER OF THE SEARCH OF:

**BLUE 2013 SUBARU IMPREZA LIMITED,
VIN: JF1GPAH63D221468, WITH NORTH
CAROLINA LICENSE PLATE ME0WBP,
LOCATED AT 24 OAKCREST PLACE,
ASHEVILLE, NORTH CAROLINA 28806**

Case No. 1:20-mj-00066

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Kaley Kowalsky, being duly sworn, state the following information to be true to the best of my knowledge, information and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed since July 2017. I am an "Investigative or Law Enforcement Officer" within the meaning of Section 2510(7) of Title 18, United States Code; that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code. My primary duties and responsibilities involve the investigation of violations of federal law including violent crime as found in Title 18 of the United States Code and the Controlled Substances Act as found in Title 21 of the United States Code.

2. I am currently assigned to the Charlotte Field Office of the FBI, specifically to the Asheville Resident Agency. During my tenure as a Special Agent, I have investigated crimes including, but not limited to, counterterrorism, domestic terrorism, gangs and organized crime, narcotics trafficking, and violent crimes against children. I have conducted physical surveillance, assisted in the execution of search warrants, analyzed phone and internet records, and conducted arrests of criminal subjects.

3. I have received training in criminal investigative techniques, including, but not limited to, interviewing, physical searches, online searches, and documentation methods.

4. I make this affidavit in support of an application for a search warrant for the entire premises of the blue 2013 Subaru Impreza Limited, VIN: JF1GPAH63D221468, with North Carolina license plate ME0WBP, located at 24 Oakcrest Place, Asheville, North Carolina 28806 (herein after referred to as the "SUBJECT PREMISES"). The SUBJECT PREMISES, located within the Western District of North Carolina, and further described and depicted in Attachment A, which is incorporated by reference, is a single-family residence. I seek the authorization to search the entire SUBJECT PREMISES, for the items specified in Attachment B, incorporated

with this affidavit, which constitute contraband, evidence, fruits and instrumentalities of, and property designed for use in committing violations of 18 U.S.C. § 1201 (kidnapping), 18 U.S.C. § 2422(a) (enticement), and 18 U.S.C. § 2423 (A) (transportation of a minor for sexual activity).

5. The statements contained in this affidavit are based my investigation; information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested search warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that contraband, evidence, fruits, and instrumentalities of, and property designed for use in committing violations of 18 U.S.C. § 1201 (kidnapping), 18 U.S.C. § 2422(a) (enticement), and 18 U.S.C. § 2423 (A) (transportation of a minor for sexual activity).

PROBABLE CAUSE

6. On October 28, 2020, at approximately 8:31 a.m., the Oak Ridge Police Department (“ORPD”) received a report that a 12-year-old female, hereinafter referred to as “Victim,” and whose identity is known to law enforcement, was missing from her residence, located in Tennessee. The Victim was reported missing by her mother. The Victim was last seen the night before, inside her residence, which is located within the Eastern District of Tennessee. The Victim was last seen wearing a red and black flannel shirt, black jeans, black and white Nike shoes, and costume cat ears.

7. Telephone records indicated the Victim’s cellular telephone had been in contact with telephone number 828-719-0114, and had a 103-minute call with that number on October 27, 2020. ORPD detectives obtained subscriber information for the phone number, and it came back to Matthew Paul Bajaj of 24 Oak Crest Place, Asheville, North Carolina 28806, hereinafter referred to as “Bajaj.” ORPD detectives identified Bajaj as a 42-year-old male with a North Carolina Driver License. Bajaj is the registered owner of a blue 2013 Subaru Impreza Limited, bearing North Carolina license plate number ME0WBP. ORPD detectives conducted an inquiry of the ORPD License Plate Reader (LPR) system which captures images of vehicles entering Oak Ridge and stores the associated information which can be queried at a later time by license plate or vehicle description. Law enforcement discovered Bajaj’s vehicle was recorded in ORPD’s LPR database on October 5, 2020, October 12, 2020, and October 21, 2020. On October 27, 2020, a vehicle matching the description of Bajaj’s vehicle was captured in the area of South Illinois Avenue in Oak Ridge, Tennessee at approximately 6:53 p.m., which was just prior to the time Bajaj checked into the Double Tree Hotel. The LPR system was not able to decipher the license plate of the vehicle, but a manual review of the vehicle and license plate was conducted by law enforcement officers. The manual review confirmed the vehicle belonged to Bajaj.

8. On October 28, 2020, ORPD obtained an exigent authorization for geo-location information of the Victim's cellular telephone through the cellular service provider. The Victim's cellular telephone geo-located within the vicinity of the Double Tree Hotel, 215 S. Illinois Avenue, Oak Ridge, Tennessee, at approximately 10:00 a.m. on October 28, 2020. Law enforcement officers confirmed Bajaj booked room number 413 at the Double Tree Hotel in Oak Ridge, Tennessee on October 27, 2020, and had the room rented until October 29, 2020. Bajaj paid for the room utilizing a bank card with his name and the last four digits 9988. It was learned that Bajaj had rented a room at the Double Tree Hotel on October 10, 2020 and on October 20, 2020 utilizing the same bank card with the last four digits of 9988.

9. On October 28, 2020, at approximately 12:00 p.m., ORPD officers made entry into room number 413 at the Double Tree Hotel in an attempt to recover the Victim. Officers did not locate the Victim and determined the room was vacant. While securing room number 413, officers saw in plain view, a Kroger grocery bag and a phone charger, as well as sheets on the bed that had not been made.

10. On October 28, 2020, the Tennessee Bureau of Investigation and the ORPD obtained and executed a search warrant of the Double Tree Hotel room 413 where Bajaj and the Victim spent the night of October 27, 2020. Inside the hotel room was a receipt from a business, Vavavoom LLC, located at 57 Broadway Street, Asheville, NC 28801 where Bajaj purchased the following items: UBERLUBE Good to Go Silver, UBERLUBE 50ml, Bijoux MAZE SINGLE CHOKER, FF Deluxe Silky Rope and Lux Fetish Eye Mask which totaled \$142.31 paid for with a debit card with the last four digits 9988. The actual items have not been recovered. These last four digits are the same as the card utilized to purchase Double Tree Hotel room 413. Inside the Hotel room, law enforcement located the packaging associated with a Fetish eye mask, Fetish deluxe silky rope and Uberlube Good to Go Silver. A dark colored paper bag was located in the trash can inside the hotel room labeled "Vavavoom Apparel, Lingerie and Safe-Sex Toys".

11. Law enforcement officers reviewed video surveillance footage at the Double Tree Hotel. Officers were able to verify that Bajaj checked into the Double Tree Hotel on October 27, 2020, at approximately 7:00 p.m. Bajaj was wearing a grey t-shirt with what appeared to be black and white cats, khaki shorts, a dark colored baseball style hat, a black facemask, black glasses, and had on a black and blue backpack. Bajaj was holding one white tote bag with the Logo "Box Linch" and one black tote bag. Officers observed Bajaj leave the hotel and return at approximately 10:30 P.M. on October 27, 2020. Law enforcement officers observed Bajaj arrive in the parking lot of the Double Tree Hotel driving a blue 2013 Subaru. Law enforcement officers also observed a female, now identified as the Victim, with Bajaj on the surveillance video. The female was wearing a red flannel jacket, cat ears on her head, black jeans and had dark colored hair, which was consistent with the description the Victim's clothing when she was last seen at her residence. Based on the surveillance video, law enforcement officers believed the female was the Victim. Law enforcement officers spoke with the Double Tree Hotel desk clerk who was working during the night of October 27, 2020, and he recalled seeing Bajaj and the female.

12. Law enforcement officers went to the Kroger grocery store in Oak Ridge, Tennessee and obtained surveillance video footage depicting Bajaj and the Victim with dark hair,

wearing a red flannel shirt, walking around Kroger at approximately 10:00 p.m. on October 27, 2020. Law enforcement officers at the Double Tree Hotel also viewed surveillance video footage of Bajaj and the Victim wearing the flannel shirt coming into the Hotel shortly after they were seen on the Kroger surveillance video.

13. On October 28, 2020, at approximately 10:08 a.m. law enforcement officers viewed surveillance video footage of Bajaj at Books-A-Million in Oak Ridge, Tennessee, where he made a transaction. Bajaj was seen on the surveillance video footage wearing a green shirt, shorts, dark shorts and sandals.

14. Law enforcement officers obtained an exigent authorization for geo-location information for Bajaj's cellular telephone through his cellular service provider. Based on that information, Bajaj's cellular telephone geo-location within the vicinity of his residence, located at or near 24 Oakcrest Place, Asheville, North Carolina.

15. On October 28, 2020, SA Emily L. Ciaravino contacted FBI agents in Asheville, North Carolina, advised them of the situation, and requested they respond to Bajaj's residence. FBI agents and officers from the Asheville Police Department ("APD") responded to Bajaj's residence and observed Bajaj's blue Subaru, bearing North Carolina license plate number ME0WBP, parked in front of the residence. Located inside the vehicle in plain view was a Books-A-Million plastic bag.

16. On October 28, 2020, at approximately 4:13 p.m., FBI agents and APD officers knocked at the door of Bajaj's residence. Bajaj came to the door and was asked to step outside. Bajaj exited his residence and was asked if the Victim was inside his residence, and if she was okay. Bajaj confirmed the Victim was okay and was inside of his residence. FBI Supervisory Special Agent ("SSA") William Gang asked Bajaj if agents could enter his residence. Bajaj said something similar to, "I guess so." SSA Gang entered Bajaj's residence and called the Victim's name two to three times and identified himself as law enforcement. The Victim exited a room down a hallway and met SSA Gang near the entrance of the residence.

17. Bajaj was taken into custody and voluntarily interviewed by law enforcement officers. Additionally, Bajaj provided written consent to FBI agents to execute a search of his residence, Motorola cellular phone, associated with the cellular telephone number (828) 719-0114. Bajaj also provided agents written consent to search his personally owned Windows Desktop computer which was located inside of his residence.

18. During the interview, Bajaj admitted to having sexual intercourse with the Victim at the Double Tree Hotel in Oak Ridge, Tennessee. Bajaj stated he brought condoms, but did not use them when having sexual intercourse with the Victim. Bajaj admitted he had come to Oak Ridge on more than one occasion and had sexual intercourse with the Victim on two separate occasions. Bajaj admitted he had digital penetration of the Victim, as well as had performed oral sex on the Victim. Bajaj stated he was not aware the Victim was a minor. Bajaj told agents he had been communicating with the Victim on his Windows 10 Digital Storm Customized Systems computer and Motorola cellular telephone, utilizing social media applications, phone calls and text messages.

19. Since the beginning of October, Bajaj admitted he has lived by himself the past three months at his home. It is understood Bajaj works at Game Stop, a video game store.

20. After the custodial interview, the agents returned to Bajaj's residence to collect the cellular phone on the nightstand next to Bajaj's bed and the desktop computer was located in a room set up like an office. The agents returned Bajaj's wallet, leaving it on the kitchen counter. When the wallet was left on the counter, a keycard from a hotel fell out of Bajaj's wallet. FBI agents seized Bajaj's cellular telephone and desktop computer from his residence. When FBI agents were at the residence, they noticed there was a computer tablet in the kitchen and flash drives throughout the house. The FBI agents locked and secured Bajaj's residence upon exit of the residence.

21. The Victim's mother stated that Bajaj was not related to the family and did not have legal custody of the Victim.

CONCLUSION

Based on the information set forth in this affidavit, there is probable cause to believe that contraband, evidence, fruits, and instrumentalities of, and property designed for use in committing violations of 18 U.S.C. § 1201 (kidnapping), 18 U.S.C. § 2422(a) (enticement), and 18 U.S.C. § 2423 (A) (transportation of a minor for sexual activity) are presently located in the SUBJECT PREMISES, a blue 2013 Subaru Impreza Limited, VIN: JF1GPAH63D221468, with North Carolina license plate ME0WBP, located at 24 Oakcrest Place, Asheville, North Carolina, 28806, as described in Attachment A, and the digital media therein. Accordingly, I respectfully request that this Court authorize the search of this vehicle so that agents may seize the items listed in Attachment B.

/S/ Kaley Kowalsky
Date: October 30, 2020
Special Agent
Federal Bureau of Investigation

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 30th Day of October, 2020, at 8:45AM.

Signed: October 30, 2020



W. Carleton Metcalf
United States Magistrate Judge



ATTACHMENT A
DESCRIPTION OF LOCATION AND PROPERTY TO BE SEARCHED

The property to be searched is: Blue 2013 Subaru Impreza Limited, VIN: JF1GPAH63D2217468, bearing North Carolina license plate number ME0WBP. The license plate is a vanity plate yellow and green in color associated with the Blue Ridge Parkway Foundation. The vehicle is currently parked in front of Bajaj's residence located at 24 Oakcrest Place, Asheville, North Carolina 28806.







ATTACHMENT B
SPECIFIC ITEMS TO BE SEIZED

1. Receipts, business records, bank records which reveal indicia of ownership and/or possession, inside the blue 2013 Subaru Impreza Limited, VIN: JF1GPAH63D2217468, bearing North Carolina license plate number ME0WBP that corroborate travel in interstate commerce during the time Victim was missing.

2. Bed sheets, clothing, or other items that could contain DNA from Victim inside the Blue 2013 Subaru Impreza Limited, VIN: JF1GPAH63D2217468, bearing North Carolina license plate number ME0WBP.

3. Instruments which could be used in sex acts such as condoms or sex toys.

4. Law enforcement officers are also authorized to conduct forensic examinations of the vehicle described in Attachment A for the purposes of locating and collecting biological samples that may contain DNA such as semen, vaginal secretions and/or hair samples.

5. Any and all clothing matching video surveillance from Kroger, Double Tree and Books-A-Million.

6. Bajaj's wallet on the kitchen counter.

7. White colored Box Linch Tote Bag.

8. Hotel Room Keys.

9. Condoms.

10. Sex related items.

11. UBERLUBE Good to Go Silver.

12. UBERLUBE 50ml.

13. Bijoux MAZE SINGLE CHOKER.

14. FF Deluxe Silky Rope.

15. Lux Fetish Eye Mask

16. Hotel receipts.

17. Any and all electronic devices.

Law enforcement personnel are authorized to use means reasonably necessary to obtain the aforementioned items.